

TESTIMONY OF GREGORY W. NICHOLS

ON

**THE DEPARTMENT OF ENERGY'S PROPOSED RULE
"GUIDELINES FOR PHYSICIAN PANEL
DETERMINATIONS OF WORKER REQUESTS FOR
ASSISTANCE IN
FILING FOR STATE WORKERS' COMPENSATION
BENEFITS"**

RADISSON HOTEL CINCINNATI AIRPORT

OCTOBER 25, 2001

Testimony

Statement of: Gregory W. Nichols

179 Columbia Drive

Waverly, Ohio 45690

(740)947-2507

My father, Edgar B. Nichols, began working for Goodyear Atomic Corporation in 1954 at the Piketon, Ohio Enrichment Facility.

In 1962 my father was taken from the facility by ambulance to Pike Co. Hospital in Waverly, Ohio where he was treated for several weeks for toxic exposure from a facility mask. This was the beginning of 36 years of never going a day without a headache, due to the irritation caused to the brain and nervous system. He was not released to return to work for three (3) months.

In the late seventies and early eighties, he endured two operations to remove cancerous tumors from the outside of his nose. This left him scared and in constant fear of a returning tumor. He believed this to be related to his being exposed to toxic chemicals at the Piketon Facility.

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Again in 1985 he was diagnosed with prostate cancer and again endured two operations and never fully recovered.

During 1985 he was diagnosed with chronic emphysema and began to loose weight and have difficulty in doing strenuous activities. It was at this time in 1985 that he began to endure several trips to a State Compensation Doctor in Columbus, Ohio. The result of these trips would get the Doctor to submit that my father was not permanently disabled, but had a temporary total disability and the process would start all over again in six months as the benefits would then stop.

In the three year period between 1987 and his death from Chronic Lung Disorder in March of 1990 he would not be able to drive himself to the Columbus appointment and could not be able to walk to the office without the help of a family member. Yet, the State Compensation Doctor would only recommend temporary total disability, causing the process to take place approximately every six months.

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The last two years of my father's life he was on oxygen and was still only approved for temporary total disability and never permanent total disability. Even as his weight dropped to 100 lbs. on his six foot frame, the doctor never suggested total disability. These five years were very cruel to my father both physically and mentally as he not only worried about being without Workers' Compensation during his lifetime, he was concerned for my mother's survivor benefit. After a total of 7 years of Goodyear and Lockheed Martin denying responsibility, a hearing was held in July 1991, one and a half years after my father's death. At this hearing Lockheed Martin's attorneys agreed with the finding of our legal counsel.

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These findings were that my father's condition and ultimate death was attributed to his exposure to work related toxic exposure to Nickel Carbonyl, (UF6) Hexafluoride and Asbestos. My mother was finally awarded the survivor benefit based on total permanent disability. The award was made retroactive to my father's date of death, however the attorney's fees were approximately \$10,000. The attorney certainly earned this fee, however it seems very unfair that an employee or surviving spouse should have to endure the cost and suffering to collect a benefit that should have been already decided upon 7 years earlier.

Prior to my father's death, he asked me to pursue this claim as he was certain of his illness being caused by work related exposures. Hopefully, many others, with similar situations, will not have to suffer for so many years.

My father was a 6' 154 lb. man in 1985 and weighed only 88 lbs. at his death in 1990.